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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/090,136	03/01/2002	Jiewen Liu	42390P11398	3593

8791 7590 10/07/2005

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EXAMINER

HASHEM, LISA

ART UNIT	PAPER NUMBER
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2645

DATE MAILED: 10/07/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	Application No. 10/090,136	Applicant(s) LIU ET AL.	
	Examiner Lisa Hashem	Art Unit 2645	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) ☒ Responsive to communication(s) filed on 7-22-2005.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) ☒ Claim(s) 1-31 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-31 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)  | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                   | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

## DETAILED ACTION

### *Claim Rejections - 35 USC § 112*

1. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

2. Claim 1 recites the limitation "the non-authorized mobile device". There is insufficient antecedent basis for this limitation in the claim.

### *Claim Rejections - 35 USC § 102*

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

4. Claims 1-31 are rejected under 35 U.S.C. 102(e) as being clearly anticipated over U.S.

Patent No. 6,732,176 by Stewart et al, hereinafter Stewart.

Regarding claim 1, Stewart discloses a method comprising:

broadcasting a synchronization signal from a wireless access point device (Fig. 1, 120) indicating one of a plurality of modes of operation for the access point (col. 6, lines 21-25; col. 11, lines 12-16), the plurality of modes of operation including a private mode of operation for authorized devices (or portable computing device (PCDs)) (col. 15, line 56 – col. 16, line 14) and a public mode of operation for authorized or non-authorized devices (col. 12, lines 11-29; col. 15, lines 29-39; col. 16, lines 15-37);

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broadcasting available public network services if the mode of operation is the public mode of operation (e.g. advertising on the local LAN) (col. 12, lines 11-29); receiving a request for establishment of a connection from a non-authorized device in response to the broadcast of the synchronization signal for the public mode of operation (col. 11, lines 12-16; col. 15, lines 29-39); and establishing a connection between a non-authorized mobile device and the access point device (col. 12, lines 11-29; col. 15, lines 29-39; col. 16, lines 15-37).

Regarding claim 2, the method of claim 1 mentioned above, wherein Stewart further discloses: receiving a request for connection establishment from the non-authorized mobile device for access to a selected network service of the available network services; and allowing the non-authorized mobile device access to the selected network service (col. 11, lines 12-16; col. 12, lines 11-29; col. 14, lines 1-20; col. 15, lines 29-39; col. 16, lines 15-37).

Regarding claim 3, the method of claim 1 mentioned above, wherein Stewart further discloses the available network services includes free public network services (e.g. advertising on the local LAN) (col. 12, lines 11-29).

Regarding claim 4, the method of claim 1 mentioned above, wherein Stewart further discloses the available network services includes pay-per-use public network services (col. 14, lines 24-26; col. 14, lines 50-57; col. 15, lines 36-54).

Regarding claim 5, the method of claim 4 mentioned above, wherein Stewart further discloses: providing a form of payment for a pay-per-use network service (col. 11, line 66 – col. 12, line 10).

Regarding claim 6, the method of claim 5 mentioned above, wherein Stewart further discloses the form of payment is a credit card number (col. 11, line 66 – col. 12, line 10).

Regarding claim 7, the method of claim 5 mentioned above, wherein Stewart further discloses the form of payment is a prepaid payment number (col. 11, lines 28-53).

Regarding claim 8, the method of claim 5 mentioned above, wherein Stewart further discloses: providing a secure transmission of information between the non-authorized mobile device and the access point device (col. 6, lines 29-39; col. 16, lines 15-37).

Regarding claim 9, the method of claim 5 mentioned above, wherein Stewart further discloses: sending payment information from the non-authorized mobile device to the access point device wirelessly (col. 11, line 66 – col. 12, line 10).

Regarding claim 10, the method of claim 5 mentioned above, wherein Stewart further discloses: inherently validating the payment information provided by the non-authorized mobile device; and providing the validation results to the non-authorized mobile device (col. 11, lines 28-53; col. 11, line 66 – col. 12, line 10).

Regarding claim 11, the method of claim 10 mentioned above, wherein Stewart further discloses: inherently establishing a connection between the non-authorized mobile device and a selected network service only if payment validation successful (col. 11, lines 28-53; col. 11, line 66 – col. 12, line 10).

Regarding claim 12, the method of claim 11 mentioned above, wherein Stewart further discloses: if a payment for the non-authorized mobile device expires, inherently disconnecting the non-authorized mobile device from a selected network service, of the available network services (col. 11, lines 28-53; col. 11, line 66 – col. 12, line 10).

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Regarding claim 13, the method of claim 1 mentioned above, wherein Stewart further discloses: performing data exchanges between the non-authorized mobile device and a selected network service of the available network services, through the access point (col. 13, lines 43-47; col. 13, lines 53-61).

Regarding claim 14, the method of claim 1 mentioned above, wherein Stewart further discloses: inherently disconnecting the non-authorized mobile device from the access point device to terminate access to the available network services (e.g. the mobile device is finished using the services) (col. 5, lines 36-47).

Regarding claim 15, the method of claim 1 mentioned above, wherein Stewart further discloses the establishment of the connection uses an authentication procedure provided in Electrical and Electronics Engineers (IEEE) Standard 802.11 Specification or its supplements (col. 1, lines 44-53; col. 5, lines 21-24).

Regarding claim, 16, please see the rejections of the method in claims 1 and 2 mentioned above, to reject the machine-readable medium (Fig. 1, 120) in claim 16, wherein Stewart further discloses: a machine-readable medium having one or more instructions for enabling a non-authorized user to wirelessly access a number of network services, which when executed by a processor (col. 5, lines 36-47; col. 6, lines 29-39; col. 8, lines 35-49), causes the processor to perform operations comprising: wirelessly transmitting a synchronization signal indicating one of a plurality of modes of operation for an access point (col. 6, lines 21-25; col. 11, lines 12-16); and receiving a request for connection establishment from a non-authorized user in response to the transmission of the synchronization signal (col. 11, lines 12-16; col. 15, lines 29-39).

Regarding claims 17-20, 30, and 31, please see the rejections of the method in claims 4, 11, 12, 13, 28, and 29, respectively, to reject the machine-readable medium in claims 17-20, 30, and 31.

Regarding claim 21, Stewart discloses an apparatus (Fig. 1, 120) comprising:  
a transceiver port for wirelessly communicating with mobile devices (col. 5, lines 5-11; col. 6, lines 29-39);  
a network communications port communicatively coupled to the transceiver port, the network communications port for coupling to a network (col. 5, lines 15-24); and  
a control unit inherently coupled to the transceiver port and the network communications port (col. 8, lines 35-49), the control unit inherently configured to control access from the transceiver port to the network communications port and provide at least two modes of operation, a first mode of operation to provide authorized mobile devices private access to the network communications port (col. 15, line 56 – col. 16, line 14), and a second mode of operation to provide authorized and non-authorized mobile devices public access to the network communications port (col. 12, lines 11-29; col. 15, lines 29-39; col. 16, lines 15-37),  
wherein the control unit is to use the transceiver port to broadcast a synchronization signal indicating one of the modes of operation and, for the second mode of operation, available network services, and to receive a response from an unauthorized mobile device in response to the broadcast of the synchronization signal (col. 6, lines 21-25; col. 11, lines 12-16; col. 15, lines 29-39).

Regarding claim 22, the apparatus of claim 21 mentioned above, wherein Stewart further discloses any one of the operation modes can be dynamically enabled or disabled (col. 12, lines 11-29; col. 15, lines 29-39; col. 15, line 56 – col. 16, line 14; col. 16, lines 15-37).

Regarding claim 23, the apparatus of claim 21 mentioned above, wherein Stewart further discloses in the first mode of operation a specific authentication process is requested from the mobile devices to obtain full network access over the network communications port and in the second mode of operation no specific authentication process is requested from the mobile devices to obtain certain network access over the network communications port (col. 12, lines 11-29; col. 15, line 56 – col. 16, line 14).

Regarding claim 24, the apparatus of claim 21 mentioned above, wherein Stewart further discloses the second mode of operation allows the non-authorized mobile devices to obtain public network access through the network communication port (col. 14, lines 1-20).

Regarding claim 25, the apparatus of claim 21 mentioned above, wherein Stewart further discloses the control unit is inherently configured to provide secure services to both authorized and non-authorized mobile devices (col. 12, lines 11-29; col. 15, line 56 – col. 16, line 14).

Regarding claim 26, the apparatus of claim 21 mentioned above, wherein Stewart further discloses the control unit is inherently configured to provide data exchange to both authorized and non-authorized mobile devices utilizing an authorization process provided in the Electrical and Electronics Engineers (IEEE) 802.11 Standard or its supplements (col. 1, lines 44-53; col. 5, lines 21-24).

Regarding claim 27, the apparatus of claim 21 mentioned above, wherein Stewart further discloses the control unit is inherently configured to provide a third mode of operation, the third



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mode of operation provides authorized mobile devices access to the network communications port and non-authorized mobile devices limited access to the network communications port simultaneously (col. 14, lines 1-20; col. 15, line 56 – col. 16, line 14).

Regarding claim 28, the method of claim 1 mentioned above, wherein Stewart further discloses the private mode of operation includes a secure service as specified in the Electrical and Electronics Engineers (IEEE) Standard 802.11 Specification or its supplements (col. 1, lines 44-53; col. 5, lines 21-24).

Regarding claim 29, the method of claim 1, wherein Stewart further discloses the plurality of modes of operation includes a simultaneous mode of operation, the simultaneous mode of operation providing authorized mobile devices access to private network services and authorized or non-authorized mobile devices access to public network services simultaneously via the access point (col. 14, lines 1-20; col. 15, line 56 – col. 16, line 14).

***Response to Arguments***

5. Claim 31 in the Amendment filed on 7-22-2005 should have been marked (Currently amended) instead of (Previously presented).
6. Applicant's arguments with respect to the rejection(s) of claim(s) 1-31 have been fully considered and are persuasive. Therefore, the rejection has been withdrawn. However, upon further consideration, a new ground(s) of rejection. Please see all rejection(s) above.
7. Accordingly, this action is **NON-FINAL**.

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*Conclusion*

8. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure:

- U.S. Patent No. 6,259,405 by Stewart et al disclose enabling a non-authorized user to wirelessly access a number of network services
- U.S. Patent Application Publication No. 2002/0022483 by Thompson et al disclose a system and method for providing access to multiple wireless service providers (WSPs) on a shared network infrastructure. The system includes a plurality of access points (APs) coupled to a network to communicate with PCDs (portable computing devices).

9. Any response to this action should be mailed to:

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

**Or faxed to:**

(571) 273-8300 (for formal communications intended for entry)

**Or call:**

(571) 272-2600 (for customer service assistance)

10. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Lisa Hashem whose telephone number is (571) 272-7542. The examiner can normally be reached on M-F 8:30-5:30.

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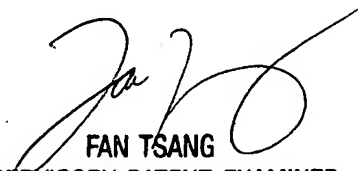
If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Fan Tsang can be reached on (571) 272-7547. Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the Group receptionist whose telephone number is (571) 272-2600.

11. Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

LH

lh

October 3, 2005

  
FAN TSANG  
SUPERVISORY PATENT EXAMINER  
TECHNOLOGY CENTER 2600